

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

**DANIEL LEE HALE,**

**Plaintiff,**

**v.**

**Sheriff JAMES HALE, *et al.*,**

**Defendants.**

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**Case No. 3:23-cv-00087-TES-CHW**

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**ORDER**

*Pro se* Plaintiff Daniel Lee Hale filed a 42 U.S.C. § 1983 complaint while he was an inmate at the Banks County Jail in Homer, Georgia. (ECF No. 1). Plaintiff also requested leave to proceed *in forma pauperis*. (ECF No. 6). On September 15, 2023, the Court granted Plaintiff's motion to proceed *in forma pauperis* and ordered Plaintiff to pay an initial partial filing fee of \$9.00. (ECF No. 7). Plaintiff was further ordered to recast his complaint and provided with instructions on how to do so. (*Id.*). Lastly, Plaintiff was instructed that he "must also immediately inform the Court in writing of any change in his mailing address". (*Id.* at 9). Plaintiff was given 14 days to act upon the Court's order. (*Id.*). He was informed that failure to comply with an order of the Court may result in dismissal. (*Id.*). Plaintiff failed to pay the initial partial filing fee or recast his complaint as ordered. Additionally, mail sent to the Banks County Jail addressed to Plaintiff was returned to the Court with a notation on the envelope of "R[eturn] T[o] S[ender]". (ECF No. 8).

On October 26, 2023, out of an abundance of caution, the Court notified Plaintiff that it had not received a response to the Court's Order and notified him that mail sent to the Banks

County Jail and addressed to the he provided had been returned to the Court. (ECF No. 9).

Plaintiff was ordered to show cause why this action should not be dismissed for failure to comply with this Court's orders or otherwise notify the Court of any possible change of address. (*Id.*).

The Court specifically informed Plaintiff that this action would be dismissed if he failed to respond or otherwise pay the filing fee and file his recast complaint. (*Id.*). Plaintiff was given 14 days to respond. (*Id.*). Plaintiff has again failed to respond and mail sent to him has been returned to the Court. *See* (ECF No. 10).

Due to Plaintiff's failure to follow the Court's Orders, failure to keep the Court informed of his address, and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.").

**SO ORDERED**, this 27th day of November, 2023.

S/ Tilman E. Self, III

**TILMAN E. SELF, III., JUDGE**

**UNITED STATES DISTRICT COURT**